

A bill for an act

relating to game and fish; modifying restrictions on bow fishing to take rough fish; amending Minnesota Statutes 2008, sections 97A.015, by adding a subdivision; 97C.335; 97C.345, subdivision 2; 97C.375; proposing coding for new law in Minnesota Statutes, chapter 97C.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 97A.015, is amended by adding a subdivision to read:

Subd. 3b. **Bow fishing.** "Bow fishing" means taking rough fish by archery where the arrows are tethered or controlled by an attached line.

Sec. 2. Minnesota Statutes 2008, section 97C.335, is amended to read:

97C.335 USE OF ARTIFICIAL LIGHTS TO TAKE FISH PROHIBITED.

(a) A person may not use artificial lights to lure or attract fish or to see fish in the water while spearing, except that while angling or spearing, a person may:

(1) affix a lighted artificial bait with hooks attached to the end of a fishing line; or

(2) use a lighted decoy for spearing.

(b) Any battery that is used in lighted fishing lures cannot contain any intentionally introduced mercury.

(c) The restrictions in paragraph (a) do not apply to bow fishing.

Sec. 3. Minnesota Statutes 2008, section 97C.345, subdivision 2, is amended to read:

Subd. 2. **Possession.** (a) Except as specifically authorized, a person may not possess a spear, fish trap, net, dip net, seine, or other device capable of taking fish on or near any waters. Possession includes personal possession and in a vehicle.

(b) A person may possess spears, dip nets, ~~bows and arrows~~, and spear guns allowed under section 97C.381 on or near waters between sunrise and sunset from May 1 to the last Sunday in February, or as otherwise prescribed by the commissioner.

Sec. 4. Minnesota Statutes 2008, section 97C.375, is amended to read:

97C.375 TAKING ROUGH FISH BY SPEARING ~~OR ARCHERY~~.

A resident or nonresident may take rough fish by spearing ~~or archery~~ during the times, in waters, and in the manner prescribed by the commissioner.

Sec. 5. **97C.376] BOW FISHING.**

Subdivision 1. **Season.** The bow fishing season is from May 1 to the last Sunday in February at any time of the day.

Subd. 2. **Possession of bows and arrows.** A person may possess bows and arrows on or near waters at any time from May 1 to the last Sunday in February.

Subd. 3. **Nighttime restrictions on motors.** From sunset to sunrise, a person bow fishing with a gasoline-powered motor must use a four-stroke engine. The noise limits for total noise while bow fishing from sunset to sunrise shall not exceed a noise level of 65 decibels on the A scale measured at a distance of 50 feet from the motorboat or equivalent noise levels at other distances as specified by the commissioner in a pass-by test or 67 decibels on the A scale measured at idle in a stationary test at least four feet above the water and at least four feet behind the transom of the motorboat being tested. The noise levels under section 86B.321 apply to persons traveling to and from bow fishing sites from sunset to sunrise.

Subd. 4. **Discharge ordinances; Mississippi and Minnesota Rivers.** Notwithstanding any law, rule, or local ordinance to the contrary, a person may discharge an arrow while bow fishing in the Mississippi and Minnesota Rivers.

Subd. 5. **Nighttime structure and campground setback requirements.** A person shall not discharge an arrow while bow fishing within 150 feet of an occupied structure or within 300 feet of a campsite from sunset to sunrise.

Subd. 6. **Prohibition on returning rough fish to waters.** Rough fish taken by bow fishing shall not be returned to the water and rough fish may not be left on the banks of any water of the state.